



FREDERICK COUNTY PLANNING COMMISSION

April 10, 2013

TITLE: Country Inn at Springfield Manor

FILE NUMBER: SP79-17 (AP# 13230)

REQUEST: Adequate Public Facility Ordinance
(APFO) - Letter of Understanding
Approval

PROJECT INFORMATION:

LOCATION: Auburn Road (adjacent to US 15), between Putnam and
Baugher Roads

ZONE: A - Agricultural

REGION: Frederick

WATER/SEWER: -NPS – No Planned Service

COMP. PLAN/LAND USE: Agricultural/Rural

APPLICANT/REPRESENTATIVES:

APPLICANT: John & Amie St. Angelo

OWNER: same

ENGINEER: N.A.

ARCHITECT: N.A.

ATTORNEY: Not Listed

STAFF: Ron Burns, Traffic Engineer

RECOMMENDATION: Approval

Attachment: Exhibit #1 Draft Letter of Understanding (LOU)

STAFF REPORT

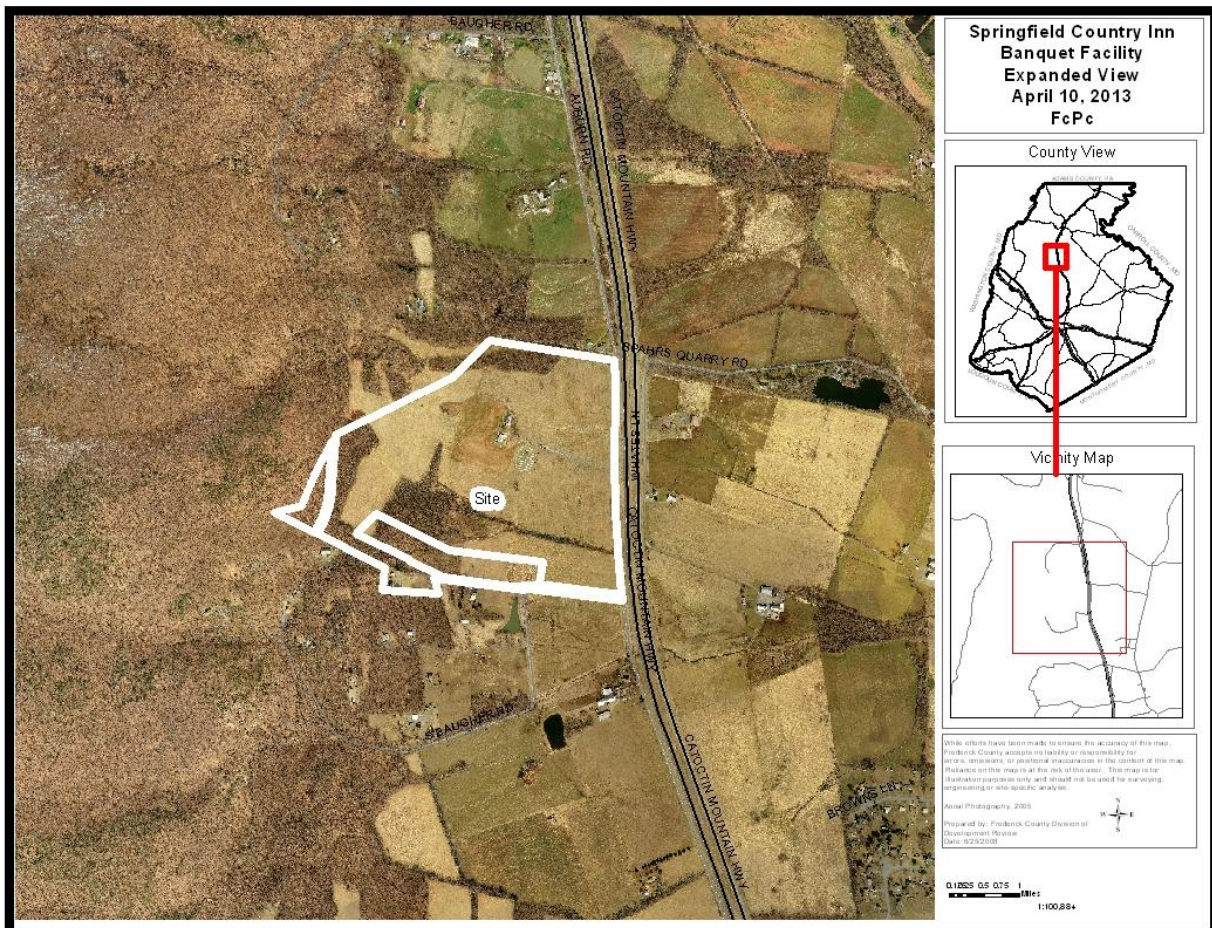
ISSUE/BACKGROUND:

Development History: This site was originally approved as a winery with a tasting room in the existing bank barn. On November 29, 2012, this property was granted a special exception in order to change the use to a Country Inn with Banquet Facility by the Frederick County Board of Appeals as part of case B-12-11. The Applicant was required to submit a Type II Multi-Staff level review due to the requested change of use, to that end the proposed change of use triggered APFO roads mitigation. The Type II change of use site plan is still under review and pending approval by Staff.

Purpose: This item pertains to the APFO finding and subsequent approval of a site plan for the Country Inn at Springfield Manor Winery and Distillery. The purpose of this action is to approve the APFO Letter of Understanding (LOU), as the mechanism to meet the APFO requirements of 1-20-12.

Site Plan: This 107.63 acre site contains existing 16,999 sq. ft. of various building areas and the Applicant proposes a change of use from a winery to a Country Inn with a banquet facility and tasting room. No building expansion is proposed as part of the change of use application; however, 132 parking spaces (29 paved) will be provided. The site is located along Auburn Road (adjacent to US 15), between Putnam and Baugher Roads. See Graphic #1 below.

Graphic #1



Adequate Public Facilities Ordinance (APFO):

Roads: The Project will generate 5 am and 20 pm weekday peak hour trips, which does not meet the requisite 50 peak hour trip threshold required for APFO testing. However, the Applicant is required to provide fair share contributions to existing escrow accounts per Section 1-20-12(H) of the Frederick County Code.

In full satisfaction of APFO requirements to fully mitigate site-generated trips, the Applicant shall pay into County-held escrow accounts the following pro rata contributions:

1. No. 3742: US 15 Median Re-construction at and in the vicinity of Devilbiss Bridge Road: The estimated cost of this Improvement is \$3,000,000. As determined by DPDR-Traffic Engineering Staff, the Applicant's proportionate share of this Road Improvement is 0.226%. Therefore, the Applicant hereby agrees to pay \$6,780 to the escrow account for this Road Improvement.
2. No. 3805: US 15 Northbound Accel Lane Extension at Devilbiss Bridge Road: The estimated cost of this improvement is \$38,706. As determined by DPDR-Traffic Engineering Staff, the Applicant's proportionate share of this Road Improvement is 1.20%. Therefore, the Applicant hereby agrees to pay \$464 to the escrow account for this Road Improvement.

Therefore, prior to building permit issuance, the Applicant hereby agrees to pay \$7,244 to the escrow accounts for these Road Improvements. Should these payments not be made within one year of the execution of this Letter, the County reserves the right to adjust this amount, based on an engineering cost index.

For non-recurring events requiring a temporary events permit from the County, the Applicant may be required to develop and execute a traffic management plan (TMP) consistent with the APFO Guidelines, if deemed necessary by the County.

Schools: Schools are not impacted because the proposed development of the property is a non-residential land use.

Water and Sewer Improvements: The Property has a water and sewer classification of No Planned Service (NPS) in the County's *Master Water and Sewer Plan* and is therefore exempt.

The validity period of the LOU shall be for three (3) years from the Planning Commission approval date.

FINDINGS:

Based upon the discussion in the report, the Staff finds that the application meets and/or will meet all applicable APFO requirements once the Letter of Understanding is executed and conditions therein are satisfied. With this condition, the Staff offers no objection to approval.

RECOMMENDATION:

The Staff recommends **approval** of the APFO LOU.

PLANNING COMMISSION ACTION
MOTION TO APPROVE

I move that the Planning Commission **APPROVE AP 13230** for the APFO Letter of Understanding for the proposed use, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.



COMMUNITY DEVELOPMENT DIVISION
FREDERICK COUNTY, MARYLAND
Department of Planning and Development Review
30 North Market Street • Frederick, Maryland 21701
www.frederickcountymd.gov

COMMISSIONERS

Blaine R. Young
President

C. Paul Smith
Vice President

Billy Shreve

David P. Gray

Kirby Delauter

COUNTY MANAGER

Lori L. Depies, C.P.A.

**COMMUNITY
DEVELOPMENT
DIVISION**

Eric E. Soter
Division Director

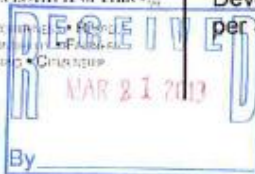
**DEPARTMENT OF
PERMITS AND
INSPECTIONS**

Gary W. Hessong
Department Director

CHARACTER COUNTS!



TRUSTWORTHINESS • RESPECT
RESPONSIBILITY • FAITHFULNESS
COURAGE • CITIZENSHIP



ADEQUATE PUBLIC FACILITIES LETTER OF UNDERSTANDING

Country Inn at Springfield Manor

Site Plan #S79-17 (AP #13230)

In General: The following Letter of Understanding ("**Letter**") between the Frederick County Planning Commission ("**Commission**") and John and Amie St. Angelo ("**Developer**"), together with its/their successors and assigns, sets forth the conditions and terms which the Commission deems to be the minimum necessary improvements dealing with school, water, sewer, and road improvements that must be in place for the property identified below to be developed, as proposed under the approved site plan for the Country Inn at Springfield Manor Winery and Distillery (the "**Project**"), in compliance with the Frederick County Adequate Public Facilities Ordinance ("**APFO**").

The Developer, its successors and assigns, hereby agrees and understands that unless the required improvements are provided in accordance with this Letter, APFO requirements will not be satisfied and development will not be permitted to proceed.

This Letter concerns itself with the Developer's 107.63 +/- acre parcel of land which is zoned Agriculture (A), and located on the west side of Auburn Road (adjacent to US 15), between Putnam Road and Baugher Road South. This APFO approval will be effective for commercial activity associated with a winery and distillery tasting room, as well as events at a banquet facility (occurring largely on weekends), which is shown on the site plan, #SP79-17, and submitted to the Community Development Division for approval and whose APFO approval by the Planning Commission was on April 10, 2013.

Schools: Schools are not impacted because the development of the property is a non-residential use.

Water and Sewer Improvements:

The Property has water and sewer classification of No Planned Service (NPS) in the County's *Master Water and Sewer Plan* and is therefore exempt from APFO testing.

Road Improvements:

The Project will generate 5 am and 20 pm weekday peak hour, which does not meet the requisite 50 peak hour trip threshold required for APFO testing. However, the Developer is required to provide fair share contributions to existing escrow accounts per Section 1-20-12(H).

In full satisfaction of APFO requirements to fully mitigate site-generated trips, the Developer shall pay into County-held escrow accounts the following pro rata contributions:

1. No. 3742: US 15 Median Re-construction at and in vicinity of Devilbiss Bridge Road: The estimated cost of this Improvement is \$3,000,000. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 0.226%. Therefore, the Developer hereby agrees to pay \$6,780 to the escrow account for this Road Improvement.
2. No. 3805: US 15 Northbound Accel Lane Extension at Devilbiss Bridge Road: The estimated cost of this improvement is \$38,706. As determined by DPDR-Traffic Engineering Staff, the Developer's proportionate share of this Road Improvement is 1.20%. Therefore, the Developer hereby agrees to pay \$464 to the escrow account for this Road Improvement.

Therefore, prior to building permit issuance, the Developer hereby agrees to pay \$7,244 to the escrow accounts for these Road Improvements. Should these payments not be made within one year of the execution of this Letter, the County reserves the right to adjust this amount, based on an engineering cost index.

For non-reoccurring events requiring a temporary events permit from the County, the Developer may be required to develop and execute a traffic management plan (TMP) consistent with the APFO Guidelines, if deemed necessary by the County.

Period of Validity: The APFO approval is valid for three (3) years from the date of Commission approval; therefore, the APFO approval expires on April 10, 2016.

Disclaimer: This Letter pertains to APFO approval only, and shall not be construed to provide any express or implied rights to continue the development process. The Project remains subject to all applicable rules and regulations, including but not limited to those related to zoning, water and sewer, and subdivision. The Planning Commission's jurisdiction and authority is limited by State and County law, and approvals may be required from other local or state governmental agencies before the proposed development can proceed.

DEVELOPER: John & Amie St. Angelo



John St. Angelo

Date: 3-20-13



Amie St. Angelo

Date: 3-20-13

[Additional Signatures on Next Page]

FREDERICK COUNTY PLANNING COMMISSION:

By: _____
Dwayne E. Robbins, Chair or William G. Hall, Secretary

Date: _____

ATTEST:

By: _____
Gary Hessong, Director, Permits & Inspections

Date: _____

Planner's Initials / Date _____
County Attorney's Office Initials / Date _____
(Approved as to legal form)